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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,784	09/27/2001	John McElwain	873.0100.U1(US)	3408

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HARRINGTON & SMITH, PC  
4 RESEARCH DRIVE, Suite 202  
SHELTON, CT 06484-6212

EXAMINER
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NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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03/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/965,784	<b>Applicant(s)</b> MCELWAIN ET AL.	
	<b>Examiner</b> TUAN H. NGUYEN	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19, 20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-17, 19, 28-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 6, 14 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/29/2009 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 01/29/2009 has been considered by Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz et al. (US PAT. 5,920,821 hereinafter, "Seazholtz") in view of Thompson et al. (US PUB. 2004/0214572 hereinafter, "Thompson").

Consider claim 1, Seazholtz teaches a method comprising: storing a system identification that identifies a home service provider for the mobile station (col. 9 lines 26-39); storing the identified plurality of system identification in a memory that is accessible by a mobile station (col. 8 lines 35-52); comparing a system identification received from a wireless service provider to the stored plurality of system identification (col. 8 lines 35-52); upon any one of the plurality of stored system identification matching the received system identification, declaring the wireless service provider as being a home service provider for the mobile station (col. 9 lines 40-56).

Seazholtz does not explicitly show that identifying a plurality of system identification having a common spatial characteristic.

In the same field of endeavor, Thompson teaches identifying a plurality of system identification having a common spatial characteristic (page 1 [0010]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, identifying a plurality of system identification having a common spatial characteristic, as taught by Thompson, in order for enabling multiple wireless service providers to use or provide services on a common wireless network infrastructure.

Consider claim 32, Seazholtz teaches an apparatus, comprising: a wireless controller (col. 8 lines 35-52); a wireless transceiver controlled by the wireless controller (col. 8 lines 35-52); configured to compare a system identification received from a wireless service provider to the stored plurality of system identifications (col. 8 lines 35-52); and upon any one of the plurality of stored system identifications matching the received system identification, configured to declare the corresponding wireless service provider as being a home service provider for the apparatus (col. 9 lines 40-56).

Seazholtz does not explicitly show that at least one memory, the at least one memory comprising a location for storing a system identification that identifies a home service provider for the apparatus, wherein said wireless controller is configured to identify a plurality of system identifications having a common spatial characteristic; configured to store the identified plurality of system identifications having the common spatial characteristic in the at least one memory.

In the same field of endeavor, Thompson teaches at least one memory, the at least one memory comprising a location for storing a system identification that identifies a home service provider for the apparatus, wherein said wireless controller is configured to identify a plurality of system identifications having a common spatial characteristic (page 1 [0010]); configured to store the identified plurality of system identifications having the common spatial characteristic in the at least one memory (page 1 [0010]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, at least one memory, the at least one memory comprising a location for storing a system identification that identifies a home service

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provider for the apparatus, wherein said wireless controller is configured to identify a plurality of system identifications having a common spatial characteristic; configured to store the identified plurality of system identifications having the common spatial characteristic in the at least one memory, as taught by Thompson, in order for enabling multiple wireless service providers to use or provide services on a common wireless network infrastructure.

5. Claims 4, 7, 9-10, 12, 15, 17, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz in view of Thompson and further in view of McGregor et al. (U.S. PUB. 2001/0000777 hereinafter, "McGregor").

Consider claim 4, Seazholtz and Thompson, in combination fail to teach the common spatial characteristic (information of the system operator code) is comprised of a geographical area that corresponds to a postal zone.

However, McGregor teaches the steps of identifying, storing, comparing and declaring are executed only if the mobile station is classified as being in a Prepaid mode of operation (page 12 claim 25).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of McGregor into view of Seazholtz and Thompson, in order to provide the mobile phone unit having an internal processor with accessible internal memory for storing the accounting program and call data for each call.

Consider claim 7, Seazholtz and Thompson, in combination, fail to teach displaying a message to a user for informing the user that the user is operating in a Prepaid mode with one of a plurality of system providers having system identification that are associated with a geographical area that is the user's home geographical area.

However, McGregor teaches displaying a message to a user for informing the user that the user is operating in a Prepaid mode with one of a plurality of system providers having system identification that are associated with a geographical area that is the user's home geographical area (page 12 claim 25).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of McGregor into view of Seazholtz and Thompson, in order to provide the mobile phone unit having an internal processor with accessible internal memory for storing the accounting program and call data for each call.

Consider claim 9, McGregor further teaches the common spatial characteristic is comprised of a geographical area that is defined by information received from a customer of a prepaid service provider (page 12 claim 25).

Consider claim 10, Seazholtz teaches a wireless communication system of a type that transmits system identification parameters to mobile stations, the mobile station comprising a processor that is coupled to the at least one memory and that is responsive to a received system identification for comparing the received system

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identification to the system identification in the list of system identification (col. 8 lines 35-52); and upon any one of the plurality of system identification matching the received system identification, declaring a wireless service provider that transmitted the system identification as being the Home service provider for the mobile station (col. 9 lines 40-56).

Seazholtz does not explicitly show that a list containing a plurality of other system identification having a common spatial characteristic.

In the same field of endeavor, Thompson teaches a list containing a plurality of other system identification having a common spatial characteristic (page 1 [0010]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a list containing a plurality of other system identification having a common spatial characteristic, as taught by Thompson, in order for enabling multiple wireless service providers to use or provide services on a common wireless network infrastructure.

Seazholtz and Thompson, in combination, fail to teach in mobile stations associated with a prepaid service provider at least one memory storing a system identification that identifies a Home service provider for the mobile station.

However, McGregor teaches in mobile stations associated with a prepaid service provider at least one memory storing a system identification that identifies a Home service provider for the mobile station (page 2 claim 25).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of McGregor into view of Seazholtz and



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Thompson, in order to provide the mobile phone unit having an internal processor with accessible internal memory for storing the accounting program and call data for each call.

Consider claim 12, McGregor further teaches the common spatial characteristic is comprised of a geographical area that is defined by information received from a customer of the prepaid service provider (page 12 claim 19).

Consider claim 15, McGregor further teaches a display for displaying a message to a user for informing the user that the user is operating in a Prepaid mode with one of a plurality of system providers having system identification that are associated with a geographical area that is the user's home geographical area (page 12 claim 25).

Consider claim 17, Seazholtz teaches a mobile station, comprising: a controller (col. 8 lines 35-52); a wireless transceiver (col. 8 lines 35-52); and at least one memory comprising a location for storing a home system identification and other locations configured to store a plurality of cousin system identification, wherein said wireless controller is configured to declare a system identification received through said wireless controller to be a home service provider if the received system identification matches the stored home system identification or any one of the plurality of stored cousin system identification (col. 9 lines 40-56).

Seazholtz does not explicitly show that the at least one memory is configured to store the cousin system identifications under the direction of a prepaid service provider, and the cousin system identifications correspond to system identifications associated

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with one or more service providers that service a predetermined geographical area that is defined to be a non-roaming area of a customer of the prepaid service provider, wherein the home system identification is configured to be stored in at least one memory without the direction of a prepaid service provider.

In the same field of endeavor, McGregor teaches the at least one memory is configured to store the cousin system identifications under the direction of a prepaid service provider, and the cousin system identifications correspond to system identifications associated with one or more service providers that service a predetermined geographical area that is defined to be a non-roaming area of a customer of the prepaid service provider, wherein the home system identification is configured to be stored in at least one memory without the direction of a prepaid service provider (page 12 claim 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the at least one memory is configured to store the cousin system identifications under the direction of a prepaid service provider, and the cousin system identifications correspond to system identifications associated with one or more service providers that service a predetermined geographical area that is defined to be a non-roaming area of a customer of the prepaid service provider, wherein the home system identification is configured to be stored in at least one memory without the direction of a prepaid service provider, as taught by McGregor, in order to provide a mobile phone unit having an internal processor with accessible internal memory for storing the accounting program and call data for each call.

Consider claim 28, Seazholtz further teaches the at least one memory is removable from the mobile station (col. 13 lines 24-30).

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz in view of Thompson and further in view of Mizikovsky (U.S PAT. 5,983,115).

Consider claim 2, Seazholtz and Thompson, in combination fail to teach the common spatial characteristic (information of the system operator code) is comprised of a geographical area that corresponds to a postal zone.

However, Mizikovsky teaches the common spatial characteristic (information of the system operator code SOC) is comprised of a geographical area that corresponds to a postal zone (col. 2 lines 54-64, fig. 2 illustrates a map of the United State cities such as Seattle, Chicago, and Washington D.C. had the same system operator code may be found in several different locations although on different frequency bands).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mizikovsky into view of Seazholtz and Thompson, in order to locate a wireless service provider in a multi-service provider environment using a stored list of preferred service providers.

Consider claim 3, Mizikovsky further teaches the common spatial characteristic (information of the system operator code SOC) is comprised of a geographical area that corresponds to a ZIP code (col. 2 lines 54-64, Fig. 2 illustrates a map of the United

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State cities such as Seattle, Chicago, and Washington D.C. had the same SOC may be found in several different locations although on different frequency bands).

7. Claims 5, 8, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz in view of Thompson and further in view of Bamburak et al. (U.S PAT. 6,807,418 hereinafter, "Bamburak").

Consider claim 5, Seazholtz and Thompson, in combination fail to teach if none of the plurality of stored system identification matches the received system identification, further comprising comparing the received system identification to other stored system identification, including at least one of a Partner system identification, a Favored system identification and a Forbidden system identification.

However, Bamburak teaches if none of the plurality of stored system identification matches the received system identification, further comprising comparing the received system identification to other stored system identification, including at least one of a Partner system identification, a Favored system identification and a Forbidden system identification (col. 11 lines 22-29).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Bamburak into view of Seazholtz and Thompson, in order to provide a method for locating a particular or desirable communications service provider in an environment having a plurality of service providers.

Consider claim 8, Bamburak further teaches the step of comparing includes a preliminary step of comparing the received system identification to the stored system identification that identifies the Home service provider for the mobile station, and upon a match declaring the service provider to be the Home service provider, and inhibiting the execution of the step of comparing the system identification received from a wireless service provider to the stored plurality of system identification (fig. 4 col. 5 line 20 through col. 6 line 7).

Consider claim 19, Bamburak further teaches the Cousin SIDs are stored in a memory that is detachable from said mobile station (col. 7 lines 2-11).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz in view of Thompson and McGregor, and further in view of Mizikovsky (U.S. PAT. 5,983,115).

Consider claim 11, Seazholtz, Thompson and McGregor, in combination, fail to teach the common spatial characteristic is comprised of a postal zone, such as a ZIP code.

However, Mizikovsky teaches the common spatial characteristic is comprised of a postal zone, such as a ZIP code (col. 2 lines 54-64, Fig. 2 illustrates a map of the United State cities such as Seattle, Chicago, and Washington D.C. had the same SOC may be found in several different locations although on different frequency bands).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mizikovsky into view of Seazholtz, Thompson and McGregor, in order to locate a wireless service provider in a multi-service provider environment using a stored list of preferred service providers.

9. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz in view of Thompson and McGregor, and further in view of Bamburak.

Consider claim 13, Seazholtz, Thompson and McGregor, in combination, fails to teach if none of the plurality of other system identification matches the received system identification, the processor compares the received system identification to other stored system identification found in an Intelligent Roaming Data Base (IRDB).

However, Bamburak teaches if none of the plurality of other system identification matches the received system identification, the processor compares the received system identification to other stored system identification found in an Intelligent Roaming Data Base (IRDB) (col. 5 lines 41-48 and col. 10 lines 9-21).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Bamburak into view of Seazholtz, Thompson and McGregor, in order to provide a method for locating a particular or desirable communications service provider in an environment having a plurality of service providers.

Consider claim 16, Bamburak further teaches the processor first compares the received system identification to the stored system identification that identifies the Home service provider for the mobile station, and upon a match declares the service provider to be the Home service provider, and inhibits comparing the received system identification the list of other system identification (fig. 4 col. 5 line 20 through col. 6 line 7).

10. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz and Thompson, and further in view of Osmani et al. (U.S PAT. 5,815,807 hereinafter, "Osmani").

Consider claim 29, Seazholtz, Thompson and McGregor, in combination, fails to teach the mobile station operates in a Postpaid mode.

However, Osmani teaches the mobile station operates in a Postpaid mode (col. 1 lines 42-49).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Osmani into view of Seazholtz, Thompson and McGregor, in order to enhance a wireless communication device operates in a wireless communication system to provide a user of the device with portable communications.

Consider claim 30, Osmani further teaches the mobile station has both Postpaid and Prepaid modes (col. 1 lines 42-49).

***Allowable Subject Matter***

11. Claims 6, 14, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reasons for Allowance***

12. Claims 20 and 22-27 are allowed over the prior art record.

13. The following is an examiner's statement of reasons for allowance:

The applicant's remarks, filed on 06/20/2008, have been carefully reviewed with updated search. Consequently, reasons for allowance of claims 20 and 22-27 are set forth in according to the applicant's remarks state on pages 10-22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***



14. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(571) 273-8300

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Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/  
Examiner  
Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
Unit 2618